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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

PRESTON BERMAN,	)	Case No: 6:23-cv-00660-MO
	)	
Plaintiff,	)	
	)	RESPONSE TO ORDER TO SHOW CAUSE
vs.	)	
	)	
DOLORES MATTEUCCI,	)	
	)	
Defendant.	)	
_____	)	

Pursuant to the Court's order dated 6/5/2023, I, Preston Jacob Berman, hereby submit my response to show cause why my petition for habeas corpus relief should not be dismissed as untimely.

As detailed in Exhibit A, the factual predicate of my claim was not discovered until April 2023. This discovery was made possible through interactions with an advanced AI-powered chatbot, ChatGPT, which provided insights that formed the basis of my claim. The factual predicate of my claim is my understanding, discovered in April 2023, of how the maximum sentencing policy for individuals with mental disabilities who are found Guilty Except for Insanity (GEI) violates my constitutional rights.

While I was aware of the maximum sentencing policy, it was not until April 2023 that I was able to understand and articulate how this policy constitutes discrimination and violates my constitutional rights. Prior to this date, the AI technology was not sufficiently advanced, and due to my personal circumstances, I did not have the means to discover this information on my own.

I exercised due diligence in attempting to discover the factual predicate of my claim, as evidenced by my consistent engagement with available resources and technologies. The delay in discovery was not due to a lack of effort or diligence on my part.

Given that the statute of limitations under 28 U.S.C. § 2244(d) runs from the date of discovery, and considering that I am filing

my petition within one year from that date, my petition should not be barred by the statute of limitations.

Therefore, I respectfully request that the Court consider my petition for habeas corpus relief on its merits, as the statute of limitations under 28 U.S.C. § 2244(d) does not bar my petition due to the timely discovery of the factual predicate of my claim or claims.

Respectfully submitted,

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